



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/512,057 | 10/21/2004 | Yoshio Tokuhashi | 1248-0754PUS1 | 8608 |
| 2292 7590 02/27/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | | |
| EXAMINER | | | | |
| NGUYEN, QUANG N | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2441 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 02/27/2009 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/512,057

Applicant(s)

TOKUHASHI ET AL.

Examiner

QUANG N. NGUYEN

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-845)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. This Office Action is responsive to the Request for Continued Examination (RCE) filed on 01/22/2009. Claims 1, 4-6, 12 and 25 have been amended. Claim 3 has been cancelled. Claims 1, 2, 4-32 remain pending for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/22/2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 4-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makoto (JP 2000-224673), in view of Horie et al. (US 2003/0041137 A1), hereinafter "Horie".

5. As to claim 1, Makoto teaches a device control management apparatus, comprising:

a first communication section (*subunits 2A-2C*) connected to each of communication devices (*each remote controls 1A-1C*) via each of first communication paths (Makoto, Fig. 1 and paragraphs [0014] and [0024]);

a second communication section (*remote control commanders 5A-5C*) connected to each of controlled devices (*each of video sources 6A-6C*) via each of second communication paths (Makoto, Fig. 1 and paragraphs [0014] and [0024]); and

a control right management section (*network box/management section 4*) for managing a control right that is set between the communication device connected to the first communication section and the controlled devices connected to the second communication section (*acquisition or release of operation of each of video sources 6A-6C and the right of priority of each remote controls 1A-1C via each subunits 2A-2C is controlled by the network box/management section 4*) (Makoto, Fig. 1 and paragraphs [0014] and [0024], and

communication management means for detecting a communication condition of at least one of the first communication path and the second communication path

(detecting the infrared remote control signal 10 sent out by the remote control 1A to the subunit 2A), wherein the control right management section is capable of changing a setting of the control right in accordance with variation of the communication condition detected by the communication management section (information, i.e., ID, peculiar to the subunit 2A is added to the remote control signal 10, it is made the remote control signal 30 which is sent to the network box/management section 4 to set the control right of the remote control 1A to the video source 6A) (Makoto, Fig. 1 and paragraphs [0026-0027] and [0034-0039]).

Makoto does not explicitly teach the control right management section includes a control information management table, in advance, that allows the control right management section to manage a control right that is set between the communication device and the controlled devices.

In the same field of endeavor, Horie teaches a home gateway apparatus (*i.e., a device control management apparatus*) connected via ports to a plurality of intra-home terminal devices installed in a home network, wherein the home gateway apparatus comprises (1) a management table memory to store, corresponding to port numbers, at least management information to be sent and a sending destination address of the intra-home terminal devices connected to the ports; (2) a management information memory to store, corresponding to the port numbers and the sending destination addresses, the management information of the intra-home terminal devices acquired from the intra-home terminal device, according to a management table stored in the management table memory and (3) ... (Horie, paragraph [0011-0012]) to acquire necessary

management information or to give a necessary operation command, getting direct access to the domestic use electrical equipment, from a portable terminal away from home or a terminal device at a distant location (Horie, paragraph [0005]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the feature of the control right management section includes a control information management table, in advance, that allows the control right management section to manage a control right that is set between the communication device and the controlled devices, as disclosed by Horie, into the teachings of Makoto. One would be motivated to do so to provide a device control management apparatus such as the home gateway apparatus with advanced versatility that can flexibly perform a control of an acquisition and transmission of management information between a plurality of intra-home terminal devices and a plurality of manager terminals on a network (Horie, paragraph [0010]).

6. As to claim 2, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, wherein the control right management section is capable of obtaining or releasing the control right, which allows the communication device connected to the first communication section to control the controlled device, connected to the second communication section, as management of the control right (Makoto, Fig. 1 and paragraphs [0026-0039]).

7. As to claim 4, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, wherein in case where the communication management section detects that a communication of at least one of the first communication path and the second communication path is cut off (*wherein the network box 4 detects the release bit 43 from the control signal 40*), the control right management section releases the control right between the communication device and the controlled device that communicate with each other via said at least one of the first communication path and the second communication path (*in release of a right of priority, the network box 4 cancels the operation of control to the video source 6A from other subunit 2A-2C*) (Makoto, Fig. 1 and paragraphs [0034-0039]).

8. As to claim 5, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, wherein in case where the communication management section detects that a communication of at least one of the first communication path and the second communication path is established (*detecting the command control signal 40 from subunit 2A*), the control right management section establishes the control right between the communication device and the controlled device that communicate with each other via said at least one of the first communication path and the second communication path (*information, i.e., ID, peculiar to the subunit 2A is added to the remote control signal 10, it is made the remote control signal 30 which is sent to the network box/management section 4 to set the control right of the remote control 1A to the video source 6A*) (Makoto, Fig. 1 and paragraphs [0034-0039]).

9. As to claim 6, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, wherein in case where the setting of the control right is changed, the control right management section notifies how the control right is changed to the communication device or the controlled device that is connected to the other of the first communication path and the second communication path (*when it is the command control signal 40 as a result of distinction of the kind of data, the network box 4 distinguishes whether right-of-priority inclusion or the release bit 43 is acquisition of a right-of-priority, or it is release and then the right-of-priority can be granted to a specific subunit*) (Makoto, Fig. 1 and paragraphs [0034-0039]).

10. As to claims 7-8, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, comprising setting input section which is capable of inputting the setting of the control right not via the first communication section, wherein in case where the setting input section inputs the setting of the control right, the control right management section prioritizes the setting of the control right that has been inputted (*the remote controls 1A-1C inputs the setting of the control right and the network box/management section 4 prioritizes the setting of the control right that has been inputted*) (Makoto, Fig. 1 and paragraphs [0017-0021]).

11. As to claims 9-10, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, comprising display section which is capable of displaying a setting condition of the control right, wherein the display section is capable

of displaying a relationship between the control right and the communication device having the control right as the setting condition (*as well-know in the art, the network box/management section 4 and/or the remote controls 1A-1C could have a display monitor/panel for displaying the status/condition of the home network*).

12. As to claim 11, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, wherein the second communication section and the controlled device are provided in the device control management apparatus (*as well-known in the art, the subunits 2A-2C and the remote controls 1A-1C could be provided with and/or embedded/implemented as input buttons in the network box/management section 4*).

13. Claims 12-27 are corresponding device control management apparatus claims that contain similar limitations as claims 1-11; therefore, they are rejected under the same rationale.

14. As to claim 28, Makoto-Horie teaches the device control management apparatus as set forth in claim 1, wherein the device control management apparatus confirms a control right condition set in the controlled device when relaying a controlled device operation command sent from the communication device, and the device control management apparatus stops sending the controlled device operation command sent from the communication device or an operation command corresponding to the controlled device operation command in case where a device other than the

communication device has the control right for the controlled device (*in acquisition of a right of priority, the network box 4 forbids the operation to other subunit 2Bs and the video source 6A from subunit 2C*) (Makoto, paragraphs [0038-0041]).

15. As to claim 29, Makoto-Horie teaches the device control management apparatus as set forth in claim 28, wherein the device control management apparatus adds the control right for the controlled device to a communication device which has sent the controlled device operation command in case where no device has the control right for the controlled device (Makoto, paragraph [0036]).

16. As to claim 30, Makoto-Horie teaches the device control management apparatus as set forth in claim 28, wherein the device control management apparatus releases the control right for the controlled device in case where the communication device which has sent the controlled device operation command is identical with a device having the control right that has been set with respect to the controlled device on the basis of the controlled device operation command (Makoto, paragraph [0039]).

17. As to claim 31, Makoto-Horie teaches the device control management apparatus as set forth in claim 28, wherein the control management section adds or releases the control right in accordance with a type of the control command (*adds or releases the control right in accordance with the result of distinction of the kind of data whether bit 43 is acquisition of a right of priority, or a release*) (Makoto, paragraphs [0036-0039]).

18. As to claim 32, Makoto-Horie teaches the device control management apparatus as set forth in claim 28, wherein the controlled device is provided in the device control management apparatus *(as well-known in the art, the subunits 2A-2C and the remote controls 1A-1C could be provided with and/or embedded/implemented as input buttons in the network box/management section 4).*

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20. Claims 1, 12 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Horie et al. (US 2003/0041137 A1), hereinafter "Horie".

21. As to claims 1, 12 and 25, Horie teaches a device control management apparatus, comprising:

a first communication section connected to each of communication devices (*manager devices, portable terminal, etc.*) via each of first communication paths (*via ADSL, CABLE, TEL, etc.*) (Horie, Fig. 1 and paragraphs [0028-0030]);

a second communication section connected to each of controlled devices (*intra-home terminal devices HT1-HTn*) via each of second communication paths (*via IEEE1394, 10BASE, WIRELESS, etc.*) (Horie, Fig. 1 and paragraphs [0028-0030]);
and

a control right management section (*home gateway apparatus HGW*) that includes a control information management table, in advance, that allows the control right management section to manage a control right that is set between the communication device connected to the first communication section and the controlled devices connected to the second communication section (*wherein the home gateway apparatus comprises (1) a management table memory to store, corresponding to port numbers, at least management information to be sent and a sending destination address of the intra-home terminal devices connected to the ports; (2) a management information memory to store, corresponding to the port numbers and the sending destination addresses, the management information of the intra-home terminal devices acquired from the intra-home terminal device, according to a management table stored in the management table memory and (3) a management information control unit (Horie, paragraph [0011-0012]) to acquire necessary management information or to give a necessary operation command, getting direct access to the domestic use*

electrical equipment, from a portable terminal away from home or a terminal device at a distant location Horie, paragraph [0005]), and

communication management means for detecting a communication condition of at least one of the first communication path and the second communication path (i.e., the home gateway apparatus HGW has an internal interface means 18 to the intra-home terminal device connected to the port and an external interface means 16 to a plurality of external terminals 24 on an external network to send or receive data between the external terminals 24 and the intra-home terminal devices) (Horie, paragraphs [0030] and [0039]), wherein the control right management section is capable of changing a setting of the control right in accordance with variation of the communication condition detected by the communication management means (i.e., the management information control unit acquires the management information of the intra-home terminal device [such as normal or broken] to store/set the acquired management information in the management information memory and to send to the external manager the information required for repairing work) (Horie, paragraphs [0012], [0028-0029] and [0033]).

Response to Arguments

22. In the Remarks, Applicants argued in substance that

(A) In contrast to Makoto, claim 3 of the present application does not require a special signal to be sent to perform the control right. It can "change a setting of the control right in accordance with variation of the communication condition detected by the communication management means" (as recited from page 13 of the Remarks).

As to point (A), Examiner respectfully disagrees noting that Makoto does teach communication management means for detecting a communication condition of at least one of the first communication path and the second communication path (*detecting the infrared remote control signal 10 sent out by the remote control 1A to the subunit 2A*), wherein the control right management section is capable of changing a setting of the control right in accordance with variation of the communication condition detected by the communication management section (*information, i.e., ID, peculiar to the subunit 2A is added to the remote control signal 10, it is made the remote control signal 30 which is sent to the network box/management section 4 to set the control right of the remote control 1A to the video source 6A*) (Makoto, Fig. 1 and paragraphs [0026-0027] and [0034-0039]).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the present application does not require a special signal to be sent to perform the control right") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

23. Applicant's arguments as well as request for reconsideration filed on 01/22/2009 have been fully considered but they are not deemed to be persuasive.

24. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharma, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang N. Nguyen/
Primary Examiner, Art Unit 2441

